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7 JOHN GLEN KELLER,
8 Plaintiff,
9 v.
10 J. LINDQUIST, et al.,
11 Defendants.
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13 Case No. [22-cv-02060-RS](#) (PR)
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ORDER OF DISMISSAL

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16 This federal civil rights action is DISMISSED for failure to prosecute, *see* Federal
17 Rule of Civil Procedure 41(b). Plaintiff's original 42 U.S.C. § 1983 complaint was
18 dismissed with leave to file an amended complaint. (Dkt. No. 8.) In response, plaintiff
19 filed two first amended complaints. (Dkt. Nos. 10 and 11.) The first alleged claims
20 against prison guards at CSP-Sacramento; the second alleged claims against prison guards
21 at Salinas Valley State Prison. Also, both complaints appeared on blank paper, not on the
22 Court's complaint form. Both complaints were dismissed with leave to amend. (Dkt. No.
23 13.) Plaintiff was instructed that he had to choose either his claims against the Sacramento
24 defendants or the claims against the Salinas Valley defendants, and that the complaint had
25 to appear on this Court's form.

26 Plaintiff has not complied with these instructions. He filed two complaints, one for
27 each set of defendants. (Dkt. Nos. 15 and 16.) The complaint against the Salinas Valley
28 defendants does not appear on the Court's form, even though he was sent a blank form to

1 use, and it does not contain any specific factual allegations against any defendant. (Dkt.
2 No. 15.)

3 The complaint against the Sacramento defendants is DISMISSED without prejudice
4 to plaintiff filing it in the Eastern District. The complaint against the Salinas Valley
5 defendants (along with the entire suit) is DISMISSED (without prejudice) under Federal
6 Rule of Civil Procedure 41(b) for failure to prosecute. The Salinas Valley complaint does
7 not appear on this Court's form and it does not contain any specific allegations against any
8 defendant.

9 Because this dismissal is without prejudice, plaintiff may move to reopen the action.
10 Any such motion must (i) have the words MOTION TO REOPEN written on the first
11 page; and (ii) be accompanied by an amended complaint that appears on this Court's form
12 and contains specific factual allegations against each named defendant. The Clerk shall
13 enter judgment in favor of defendants, and close the file.

14 **IT IS SO ORDERED.**

15 **Dated:** August 9, 2023



16 RICHARD SEEBORG
17 Chief United States District Judge

United States District Court
Northern District of California

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